

107TH CONGRESS  
1ST SESSION

# H. R. 2037

To amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2001

Mr. STEARNS (for himself, Mr. ADERHOLT, Mr. BACA, Mr. BACHUS, Mr. BALLENGER, Mr. BARCIA, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mr. BISHOP, Mr. BLUNT, Mr. BOUCHER, Mr. BROWN of South Carolina, Mr. BRYANT, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CANNON, Mr. CANTOR, Mr. CARSON of Oklahoma, Mr. CHABOT, Mr. CRAMER, Mr. CRANE, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mrs. JO ANN DAVIS of Virginia, Mr. DELAY, Mr. DEMINT, Mr. DINGELL, Mr. DOOLITTLE, Mr. FLAKE, Mr. LUCAS of Oklahoma, Mr. GIBBONS, Mr. GOODE, Mr. GOODLATTE, Mr. GRAHAM, Mr. GRAVES, Mr. HALL of Texas, Mr. HANSEN, Ms. HART, Mr. HAYES, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOLDEN, Mr. HUNTER, Mr. ISSA, Mr. ISTOOK, Mr. JENKINS, Mr. JOHN, Mr. JOHNSON of Illinois, Mr. KELLER, Mr. KERNS, Mr. LARGENT, Mr. LUCAS of Kentucky, Mr. MANZULLO, Mr. MATHESON, Mr. GARY G. MILLER of California, Mr. NEY, Mr. NORWOOD, Mr. OBERSTAR, Mr. OTTER, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. RADANOVICH, Mr. RAHALL, Mr. REHBERG, Mr. ROGERS of Michigan, Mr. ROSS, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SANDLIN, Mr. SCHAFFER, Mr. SCHROCK, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHOWS, Mr. SHUSTER, Mr. SIMMONS, Mr. SIMPSON, Mr. SKEEN, Mr. SMITH of Texas, Mr. SOUDER, Mr. STENHOLM, Mr. STRICKLAND, Mr. SUNUNU, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. TIAHRT, Mr. TRAFICANT, Mr. WALDEN, Mr. JONES of North Carolina, Mr. WHITFIELD, Mr. WICKER, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

## 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protection of Lawful  
5 Commerce in Arms Act”.

## 6 **SEC 2. AMENDMENT TO ORGANIC ACT.**

7 The Act entitled “An Act to establish the Department  
8 of Commerce and Labor”, approved February 14, 1903  
9 (15 U.S.C. 1501 et seq.), is amended by redesignating sec-  
10 tion 13 as section 14 and by inserting after section 12  
11 the following:

## 12 **“SEC. 13. RESTRICTION ON COMMERCE.**

13 “(a) SECRETARY OF COMMERCE LIST.—The Sec-  
14 retary of Commerce shall establish and maintain a list  
15 consisting of each person that notifies the Secretary under  
16 subsection (b) that it is a manufacturer or seller in inter-  
17 state or foreign commerce of a firearm or ammunition  
18 product or is a trade association representing such manu-  
19 facturers or sellers. The list shall contain the name of the  
20 person, the chief executive officer of the person, and the  
21 address and location of the headquarters of the person.

1 The Secretary shall maintain and update the list and may  
2 publish the list in the Federal Register.

3 “(b) NOTIFICATION.—Each person that—

4 “(1) is a manufacturer in interstate or foreign  
5 commerce of a firearm or ammunition product, and  
6 is licensed to engage in business as such manufac-  
7 turer to the extent required under chapter 44 of title  
8 18, United States Code,

9 “(2) is a seller in interstate or foreign com-  
10 merce of a firearm or ammunition product, and is li-  
11 censed to engage in business as such seller to the ex-  
12 tent required under chapter 44 of title 18, United  
13 States Code, or

14 “(3) is a trade association representing such  
15 manufacturers or sellers,

16 may notify the Secretary of its existence and provide to  
17 the Secretary the information described in subsection (a).

18 “(c) FREEDOM FROM RESTRICTION.—Conduct  
19 that—

20 “(1) is carried out by a manufacturer in inter-  
21 state or foreign commerce of a firearm or ammuni-  
22 tion product, involves such firearm or ammunition  
23 product, and is described in paragraph (4) of sub-  
24 section (d),

1           “(2) is carried out by a seller in interstate or  
2           foreign commerce of a firearm or ammunition prod-  
3           uct, involves a firearm or ammunition product, and  
4           is described in paragraph (6) of subsection (d), or

5           “(3) is carried out by a trade association in the  
6           course of organizing, advising, or representing its  
7           members who are manufacturers in interstate or for-  
8           eign commerce of a firearm or ammunition product,  
9           or who are sellers in interstate or foreign commerce  
10          of a firearm or ammunition product, with respect to  
11          conduct of such manufacturers or sellers described  
12          in paragraph (4) or (6) of subsection (d), as the case  
13          may be,

14       and that is lawful under chapter 44 of title 18, United  
15       States Code, or under applicable State law, shall not be  
16       a basis for imposing a restriction on interstate or foreign  
17       commerce on a person on the list described in subsection  
18       (a) as a result of harm caused by the criminal or other  
19       unlawful misuse of such firearm or ammunition product  
20       by any other person.

21       “(d) DEFINITIONS.—In this section:

22           “(1) AMMUNITION PRODUCT.—The term ‘am-  
23           munition product’ means ‘ammunition’ as defined in  
24           section 921(a)(17) of title 18, United States Code,  
25           and includes a component part of such ammunition

1 product that has been shipped or transported in  
2 interstate or foreign commerce.

3 “(2) FIREARM PRODUCT.—The term ‘firearm  
4 product’ means ‘firearm’ as defined in section  
5 921(a)(3) of title 18, United States Code, and in-  
6 cludes a component part of such a firearm that has  
7 been shipped or transported in interstate or foreign  
8 commerce.

9 “(3) INTERSTATE OR FOREIGN COMMERCE.—  
10 The term ‘interstate or foreign commerce’ has the  
11 meaning given that term in section 921(a)(2) of title  
12 18, United States Code.

13 “(4) MANUFACTURER.—The term ‘manufac-  
14 turer in interstate or foreign commerce of a firearm  
15 or ammunition product’ means—

16 “(A) a person who, in the course of a busi-  
17 ness in interstate or foreign commerce to im-  
18 port, make, produce, create, assemble, design,  
19 or formulate a firearm or ammunition product,  
20 imports, makes, produces, creates, assembles,  
21 designs, or formulates a firearm or ammunition  
22 product, or engages another person to import,  
23 make, produce, create, assemble, design, or for-  
24 mulate a firearm or ammunition product;

1 “(B) a seller in interstate or foreign com-  
 2 merce of a firearm or ammunition product  
 3 made by another person, but only with respect  
 4 to an aspect of the firearm or ammunition  
 5 product that the seller makes, produces, cre-  
 6 ates, assembles, designs, or formulates; and

7 “(C) any seller in interstate or foreign  
 8 commerce of a firearm or ammunition product  
 9 on which, or on the packaging of which, the  
 10 seller is also represented as the manufacturer of  
 11 the firearm or ammunition product.

12 “(5) RESTRICTION ON INTERSTATE OR FOR-  
 13 EIGN COMMERCE.—The term ‘restriction on inter-  
 14 state or foreign commerce’—

15 “(A) means—

16 “(i) civil damages or equitable relief,  
 17 or

18 “(ii) any other limitation or condition,  
 19 awarded or ordered by a Federal, State, or local  
 20 court, that restricts the ability of a person list-  
 21 ed under subsection (a) to freely engage in  
 22 interstate or foreign commerce with respect to  
 23 firearm or ammunition products, or of a trade  
 24 association listed under subsection (a) to freely

1 engage in lawful activities on behalf of its mem-  
2 bership; and

3 “(B) does not include any damages, equi-  
4 table relief, or other limitation or condition aris-  
5 ing from—

6 “(i) breach of contract or warranty in  
7 connection with the purchase of a firearm  
8 or ammunition product; or

9 “(ii) physical injuries or property  
10 damage resulting directly from the failure  
11 to function or improper functioning of a  
12 firearm or ammunition product, when used  
13 as intended, due to a defect in design or  
14 manufacture.

15 “(6) SELLER.—The term ‘seller in interstate or  
16 foreign commerce of a firearm or ammunition prod-  
17 uct’ means a person who—

18 “(A) in the course of a business conducted  
19 in interstate or foreign commerce for such pur-  
20 pose, sells, distributes, rents, leases, prepares,  
21 blends, packages, labels, or otherwise is involved  
22 in placing a firearm or ammunition product in  
23 the stream of commerce; or

24 “(B) in the course of a business conducted  
25 in interstate or foreign commerce for such pur-

1           pose, installs, repairs, refurbishes, reconditions,  
2           or maintains an aspect of a firearm or ammuni-  
3           tion product.

4           “(7) STATE.—The term ‘State’ includes the  
5           District of Columbia, the Commonwealth of Puerto  
6           Rico, and any territory of possession of the United  
7           States.

8           “(8) TRADE ASSOCIATION.—The term ‘trade  
9           association’ means any association or business orga-  
10          nization (whether or not incorporated under the laws  
11          of any State), 2 or more members of which are man-  
12          ufacturers or sellers in interstate or foreign com-  
13          merce of a firearm or ammunition product.”.

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